

REMARKS

Claims 22-33 stand rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over the claims of U.S. Patent No. 6,724,426. Attached is a terminal disclaimer which overcomes this rejection.

The filing of a terminal disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection, but rather “simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection.” *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991). Accordingly, in view of the above, the Examiner is respectfully requested to withdraw this rejection.

As all outstanding issues are addressed by this response to the outstanding Office Action, favorable reconsideration and allowance are solicited. If, however, there are remaining issues which can be addressed by a discussion with Applicant’s representative, the Examiner is respectfully requested to contact the undersigned attorney, Steven Dickey, at (202) 420-4756. Further, if there are any additional charges in connection with this filing, the Examiner is respectfully requested and authorized to charge Deposit Account No. 04-1073 under Order No. M4065.0786/P786-A therefor.

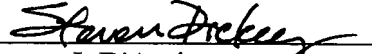
Application No. 10/758,013
Amendment dated
Reply to Office Action of July 13, 2007

Docket No.: M4065.0786/P786-A

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: October 15, 2007

Respectfully submitted,

By 

Thomas J. D'Amico

Registration No.: 28,371

Steven T. Dickey

Registration No.: 54,066

DICKSTEIN SHAPIRO LLP

1825 Eye Street, NW

Washington, DC 20006-5403

(202) 420-2200

Attorneys for Applicant